

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JUSTIN D. IRISH-MILLER,

Plaintiff(s),

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.,

Defendant(s).

Case No. 2:14-CV-1654 JCM (NJK)

ORDER

Presently before the court are defendants D. Denton, Ryan Fryman, C. Hartfield, D. Viskoc, R. Wright, and Las Vegas Metropolitan Police Department's motions for summary judgment. (ECF Nos. 40, 41). Plaintiff Justin D. Irish-Miller filed responses (ECF Nos. 43, 44), and defendants filed replies. (ECF Nos. 49, 51).

Defendants filed two motions for summary judgment on the same day. (ECF Nos. 40, 41). Both motions are approximately thirty pages in length. (*See id.*) The first motion addresses plaintiff's *Monell* claim, state law claims, and punitive damages claims. (*See* ECF No. 40). The second motion addresses plaintiff's remaining claims under 42 U.S.C. § 1983. (*See* ECF No. 41). Defendants' two motions are effectively one sixty-page motion requesting summary judgment on all of plaintiff's claims. (*See* ECF No. 40 at 2, n. 1).

Local Rule ("LR") 7-3(a)¹ governs the page limits for motions for summary judgment. *See* D. NEV. R. 7-3(a). "Motions for summary judgment and responses to motions for summary

¹ At the time the motions were filed, a previous version of the local rules was in effect. In that version, LR 7-4 governed the page limits for all motions. The previous version of the rule set the same limits on motions for summary judgment. This order will cite to the new rules, effective May 1, 2016. The parties shall comply with the versions of the rules now in effect, *i.e.* the version effective May 1, 2016, from this point forward.

1 judgment are limited to 30 pages, excluding exhibits.” *Id.* “Replies in support of a motion for
2 summary judgment are limited to 20 pages.” *Id.*

3 The court will not allow defendants to skirt the page limit requirements set out in LR
4 7-3(a) by filing what is in actuality one impermissibly lengthy motion as two separate motions.
5 Defendants should have either filed one motion that complied with LR 7-3(a) or filed a motion for
6 leave to exceed the limits, consistent with LR 7-3(c). *See* D. NEV. R. 7-3(c).

7 The court will therefore deny both of defendants’ motions without prejudice to refiling one
8 motion consistent with the local rules, as amended May 1, 2016, within seven (7) days of entry of
9 this order. Pursuant to LR 7-3(c), a motion to exceed page limits will be looked upon with disfavor
10 and will not stay the seven-day deadline set herein. *See id.* Continued failure to follow the rules or
11 failure to comply with this order will result in denial of any noncompliant motion for summary
12 judgment *with prejudice*. *See* D. NEV. R. IA 11-8(c) and (d).

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants D. Denton,
15 Ryan Fryman, C. Hartfield, D. Viskoc, R. Wright, and Las Vegas Metropolitan Police
16 Department’s motion for summary judgment (ECF No. 40) be, and the same hereby is, DENIED
17 without prejudice to refiling a motion consistent with this order.

18 IT IS FURTHER ORDERED that defendants D. Denton, Ryan Fryman, C. Hartfield, D.
19 Viskoc, R. Wright, and Las Vegas Metropolitan Police Department’s motion for summary
20 judgment (ECF No. 41) be, and the same hereby is, DENIED without prejudice to refiling a motion
21 consistent with this order.

22 IT IS FURTHER ORDERED that defendants D. Denton, Ryan Fryman, C. Hartfield, D.
23 Viskoc, R. Wright, and Las Vegas Metropolitan Police Department shall have seven (7) days to
24 renew their motion for summary judgment by filing a motion consistent with this order.

25 DATED July 21, 2016.

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28 UNITED STATES DISTRICT JUDGE